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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Roy and Josie Fisher, et al.,  
Plaintiffs  
and  
United States of America,  
Plaintiff-Intervenor,  
v.  
Tucson Unified School District, et al.,  
Defendants,  
and  
Sidney L. Sutton, et al.,  
Defendants-Intervenors,

No. CV-74-00090-TUC-DCB

Maria Mendoza, et al.,  
Plaintiffs,  
and  
United States of America,  
Plaintiff-Intervenor,  
v.  
Tucson Unified School District, et al.  
Defendants.

No. CV-74-0204-TUC-DCB

**ORDER**

Deny as Moot: TUSD Motion for Partial Unitary Status

1 Without considering the merits of the Motion for Partial Unitary Status, the Court  
2 denies it as moot at this time. As the parties are aware, many of the programs required  
3 pursuant to the Unitary Status Plan (USP) were finalized in 2016. Many were not able to  
4 be finalized because the Court lacked information, which the Court ordered the Special  
5 Master to compile and include in his SY 2015-2016 Annual Report. The Court is  
6 awaiting information and details related to several Unitary Status Plan (USP)  
7 components: the Advanced Learning Experiences (ALE) programs, (Order (Doc. 1895));  
8 the Culturally Responsive Pedagogy and Instruction (CRPI) Related to Administrative  
9 and Staff Diversity programs, (Order (Doc. 1893)); CRC-Beginning Teacher Mentoring  
10 and Itinerant Teacher program, (Order (Docs. 1981)); Culturally Relevant Courses  
11 (CRC)-Itinerant Teacher program, (Order (Doc. 1982)); the Guidelines for Student Rights  
12 and Responsibilities (GSRR)-Discipline program, (Order (Doc. 1981)). And of course,  
13 the Magnet Plan has only recently been finalized. (Orders (Docs. 1980, 1983, 1984)).  
14 The Court anticipates robust discussion, comment, and probably objections to the Special  
15 Master's SY 2015-2016 Annual Report.

16 TUSD filed its SY 2015-2016 Annual Report on September 28, 2016 (Doc. 1958),  
17 with a supplement filed on October 26, 2016 (Doc. 1970). The Special Master's SY  
18 2015-2016 Annual Report was due by December 15, 2016, but has been delayed. The  
19 Special Master's Report and Recommendation on Unitary Status is due after the end of  
20 the current 2016-2017 school year: May 2017.

21 The parties are at odds regarding the appropriateness of granting partial unitary  
22 status and the Special Master reports he needs at least a minimum of 30 days to prepare a  
23 reasonable response to the motion and the objections. He reports the bid for partial  
24 unitary status sweeps broadly and the issues are of major consequence. Given the time  
25 constraints faced by the Special Master and the Court, the Court finds that deciding  
26 whether to grant partial unitary status would be an ineffective use of Court resources so  
27 close in time to when the question regarding attainment of unitary status in total is  
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1 scheduled to commence. The better approach is for the parties to use the briefs as a  
2 starting point for discussion.

3 **Accordingly,**

4 **IT IS ORDERED** adopting the Special Master's recommendation (Doc. 2021) to  
5 defer action on the Motion for Partial Unitary Status (Doc. 2005) and DENYING IT AS  
6 MOOT.

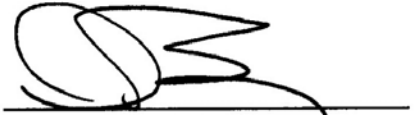
7 **IT IS FURTHER ORDERED** that the Special Master's Motion for Extension of  
8 Time to Respond (Doc. 2019) is DENIED AS MOOT.

9 **IT IS FURTHER ORDERED** that within seven days of the filing date of this  
10 Order, the Special Master shall file the deadline for filing the his SY 2015-2016 Annual  
11 Report.

12 **IT IS FURTHER ORDERED** that within seven days of the filing date of this  
13 Order, the Special Master and the parties shall meet and confer to develop the timeline  
14 and deadlines for filing the Special Master's Report and Recommendation regarding the  
15 status for attainment of unitary status in TUSD. The Special Master shall file the briefing  
16 schedule and filing deadlines with the Court within 14 days of the filing date of this  
17 Order.

18 Dated this 17th day of May, 2017.

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David C. Bury  
United States District Judge